

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS CARLOS GUTIERREZ HERNANDEZ,
as Administrator, On Behalf of the Estate of
JESUS GUTIERREZ, and LUIS CARLOS
GUTIERREZ HERNANDEZ, individually,

Plaintiff,

v.

DARREN TUCK, RYDER TRUCK RENTAL,
INC., and RYDER INTEGRATED
LOGISTICS, INC.,

Defendants.

NOTICE OF REMOVAL

Case No. 7:22-cv-5242

Demand for Jury Trial

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446 and the local rules, Defendants Darren Tuck, Ryder Truck Rental, Inc., and Ryder Integrated Logistics, Inc., by their attorneys, hereby give notice of removal of this action from the Supreme Court of the State of New York, Westchester County, Index No. 60615/2022, to the United States District Court for the Southern District of New York on the basis of diversity jurisdiction. In support of said Notice, Defendants state as follows:

Procedural History

1. On May 7, 2022, Plaintiff Luis Carlos Gutierrez Hernandez, as Administrator, On Behalf of the Estate of Jesus Gutierrez, and Luis Carlos Gutierrez Hernandez, individually, filed a Summons & Complaint in the Supreme Court of the State of New York, Westchester County under Index No. 60615/2022 and captioned LUIS CARLOS GUTIERREZ HERNANDEZ, AS ADMINISTRATOR, ON BEHALF OF THE ESTATE OF JESUS GUTIERREZ, AND LUIS CARLOS GUTIERREZ HERNANDEZ, INDIVIDUALLY v. DARREN TUCK, RYDER

TRUCK RENTAL, INC., AND RYDER INTEGRATED LOGISTICS, INC. A true and accurate copy of the Summons and Complaint are attached hereto as Exhibit A.

2. Defendant Darren Tuck was served via substituted service pursuant to CPLR § 308 (2) on or about May 24, 2022, and service was completed upon Defendant Darren Tuck with the filing of the Affidavit of Service on or about June 2, 2022.

3. Defendants Ryder Truck Rental, Inc. and Ryder Integrated Logistics, Inc. were served via substituted service pursuant to CPLR § 311 on or about June 1, 2022.

Parties

4. Upon information and belief and according to the Summons and Complaint, Plaintiff is a resident of the County of Westchester, State of New York, and at all relevant times, has resided and continues to reside at 42 Robin Road, New Rochelle, New York 10801.

5. Defendant Darren Tuck is a resident of the County of Middlesex, State of New Jersey, and at all relevant times, resides at 1360 West 6th Street, Piscataway, New Jersey, 08854.

6. Defendant Ryder Truck Rental, Inc. is a Florida corporation, and its principal corporate offices are located at 11690 NW 105 Street, Miami, Florida 33178.

7. Defendant Ryder Integrated Logistics, Inc. is a Delaware corporation, and its principal corporate offices are located at 11690 NW 105 Street, Miami, Florida 33178.

8. Based upon the foregoing, full diversity exists between the parties.

Jurisdiction and Basis for Removal

9. This Court has subject-matter jurisdiction of the action pursuant to 28 U.S.C. § 1332 in that it is a civil action between citizens of different states.

10. Plaintiff's Complaint alleges that, on May 7, 2020, and as a result of a motor vehicle accident at or near 720 North Avenue in the City of New Rochelle, County of Westchester and

State of New York, the plaintiff's decedent, JESUS GUTIERREZ, suffered serious personal injuries and died. *See Ex. A*, ¶ 51-53.

11. Upon information and belief, and based upon the allegations within the Complaint, as well as the identified claimed injuries and corresponding damages, Plaintiff seeks damages in excess of \$75,000, exclusive of interest and costs, which meets the jurisdictional requirement.

Basis For Removal

12. This Court has subject-matter jurisdiction on the basis of diversity of citizenship under 28 U.S.C. § 1332. Venue is proper pursuant to 28 U.S.C. § 1441(a) as this is the federal district court for the district embracing the place where the state court suit is pending.

13. This Notice of Removal is filed with this Court within thirty (30) days of Defendants' receipt of a copy of the Summons and Complaint.

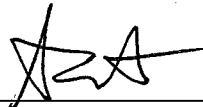
14. As required by 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon Plaintiff, by and through its attorneys of record, and is being filed with the Clerk of the Court of the State of New York Supreme Court, Westchester County Clerk's office.

WHEREFORE, Defendants Darren Tuck, Ryder Truck Rental, Inc. and Ryder Integrated Logistics, Inc., file this Notice of Removal so that the entire state court action under Index No. 60615/2022 now pending in the State of New York, Supreme Court, County of Westchester be removed to the United States District Court for the Southern District of New York for all further proceedings.

Dated: Syracuse, New York
June 22, 2022

Respectfully submitted,

GOLDBERG SEGALLA LLP



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